

**Notice of Allowability**Application No. **10/749,458**Applicant(s) **GRIECO, DONALD M.**

Examiner

Art Unit

Thien D. Tran

2665

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/22/2004.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 11/31/2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 9, the prior arts fail to teach or fairly suggest a mobile wireless transmit/receive unit (WTRU) configured for wireless communication with a network system having a plurality of base stations where the WTRU receives communication data that is selectively encoded and transmitted in predefined time frames, comprising:

a combiner configured to receive channel estimates from all of the channel estimators and combine the channel estimates for each data signal received in a common timeslot into a combined data signal, whereby the communication data common to plurality of signals received in the common timeslot is then derived from the combined signal, in combination with other limitations as specified in the independents claims 1 and 9.

Regarding claim 4, the prior arts fail to teach or fairly suggest wireless communication system comprising:

a combiner configured to receive channel estimates from all of the channel estimators and combine the channel estimates for each data signal received in a common timeslot into a combined data signal whereby the communication data common to a plurality of signals received in the common timeslot is then derived from the combined signal; and

a network unit configured to assign selected base stations to transmit communication data to a WTRU based on the WTRU being disposed in a geographic range of service of selected base stations, in combination with other limitations as specified in the independent claim 4.

Regarding claim 10, the prior arts fail to teach or fairly suggest in a wireless communication network comprising a mobile wireless transmit/receive unit (WTRU) performing data communication with a first base station and within communication range of a second through Nth base station, a method for soft handover, comprising the steps:

the WTRU measuring received signal code power (RSCP) measurements from each base station;

the WTRU jointly detecting the communications from the first base station and a new base station using separate channel estimate means based on the known scrambling and spreading codes for each base station, until soft handover to the new base station is complete, in combination with other limitation as specified in the independent claim 10.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran

**DUCHO**  
**PRIMARY EXAMINER**

*Ducho*  
5-13-05